



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

SM

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

QM12/1120

SNELL & WILMER
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX AZ 85004-0001

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/191,915	11/13/98	034	WOO, J	3731 11/20/00
First Named Applicant	KARPMAN, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION METHOD AND APPARATUS FOR DELIVERING MATERIAL TO A DESIRED LOCATION

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3	29763.0100	606-093.000	V21 UTILITY	YES	\$620.00	02/20/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.
09/191,915

Applicant(s)
Karpman et al.

Examiner
Julian W. Woo

Group Art Unit
3731



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to the amendment of 11-2-00.

☒ The allowed claim(s) is/are 1-5, 7, 10-12, 15, 17-19, 23-36, 39-42, 44, 46, and 47.

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 10.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

D

Art Unit: 3731 (formerly 3309)

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michelle Orth on November 15, 2000.

2. The application has been amended as follows:

In claim 1, line 2, replace "comprising" with --consisting of--.

In claim 10, line 1, replace "device" with --system--. In line 1, after "comprising:," insert
-a bone anchoring device; including --. In line 11, after "bone," insert --, and a bone plate
engaged with said head portion of said bone anchoring device, said bone plate having a surface for
at least partial contact with the bone--.

In claim 11, line 1, replace "device" with --system--.

In claim 12, line 1, replace "device" with --system--.

In claim 15, line 1, replace "device" with --system--.

In claim 17, line 1, replace "device" with --system--.

In claim 18, line 1, replace "device" with --system--.

In claim 19, line 1, replace "device" with --system--.

In claim 23, line 10, after "near," insert --at least one of--.

37

D

Art Unit: 3731 (formerly 3309)

✓
In claim 30, lines 1, 3, and 8, replace "pedicle bone" with --vertebral body--.

In claim 31, line 4, replace "pedicle bone" with --vertebral body--.

3. The following is an examiner's statement of reasons for allowance: The prior art of record discloses devices and methods for forming fixation masses in bone. However, unlike the prior art of record, the present invention discloses devices and methods where one device consists of a cannulated, threaded shaft for delivery of a fixation substance to a bone. The shaft has at least one slot in a proximal portion of the shaft and at least one slot in a distal portion. The device also includes the cannulated, threaded shaft engaged with a bone plate. The present invention also discloses methods of strengthening the fixation of a bone fixation device through the injection and formation of masses of fixation substances near at least one of proximal and distal portions of the fixation device after the device is inserted into bone, including the vertebra. Thus, the present invention is distinguishable over the prior art of record, and the claims are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

B

Art Unit: 3731 (formerly 3309)

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eldor (5,800,407) and Claren (4,787,882) teach slotted catheters.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian W. Woo whose telephone number is (703) 308-0421. The examiner can normally be reached Mon.-Fri., 7:00 AM to 3:00 PM Eastern Time.

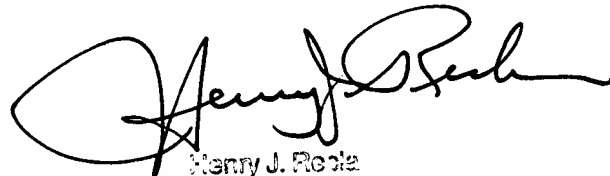
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Recla, can be reached at (703) 308-1382.

General inquiries relating to the status of this application should be directed to the Group receptionist at (703)308-0858. The FAX number is (703)305-3590.



Julian W. Woo

Patent Examiner



Henry J. Recla
Supervisory Patent Examiner
Group 3700

D